

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

GABRIELA NIEVES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:20-cv-00320-JMS-DML
	)	
CARMEL CLAY SCHOOLS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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**MOTION FOR LEAVE TO DISMISS ONLY DEFENDANT JOHN GOELZ**

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Comes now Plaintiff Gabriela Nieves, by counsel, and pursuant to Fed. R. Civ. P. 41(a)(2) respectfully moves the Court for leave to dismiss only Defendant John Goelz from this matter, and in support thereof, states as follows:

1. Plaintiff filed her Complaint against Defendants Carmel Clay Schools, John Goelz, Chris Plumb, and Red Roof Inn on January 29, 2020. [Dkt. 1.]
2. Defendant John Goelz filed his Answer on March 20, 2020. [Dkt. 15.]
3. After reviewing Defendant John Goelz's Answer and considering the same, Plaintiff believes that her resources, as well as those of the Court, would be better spent focusing on the remaining defendants, Carmel Clay Schools, Chris Plumb, and Red Roof Inn.
4. Neither Defendant John Goelz nor Defendant Chris Plumb objects to the dismissal, without prejudice, of John Goelz. As of the filing of this Motion, Defendant Carmel Clay Schools has not responded to an inquiry into its position on the matter, and Plaintiff is experiencing difficulty in contacting Defendant Red Roof Inn (which difficulties will be the subject of a separate motion).

5. Plaintiff originally named John Goelz as a Defendant in this matter in good faith, and her Motion for Leave to Dismiss him has been contemplated, and filed, in the same spirit. This Motion is not being filed for the purpose of prejudice or delay.

WHEREFORE Plaintiff Gabriela Nieves prays that the Court will grant her leave to dismiss only Defendant John Goelz, without prejudice, and for all other relief just and proper in the premises.

Respectfully submitted,

s/ Jessica A. Wegg

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#### CERTIFICATE OF SERVICE

I certify that the foregoing paper or pleading was filed with the Court on May 5, 2020 using the CM/ECF System. Service will be made on all registered counsel of record by operation of the same.

s/ Jessica Wegg

Jessica Wegg